IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2096 OF 2004

IN

WRIT PETITION NO. 5204 OF 2004

Subhan Mohamed Yusuf Parkar
and another ... Petitioners

versus

Dastgir Mohamed Sathe and ors. ... Respondents

...

Mr. H.A. Solkar, for the Petitioners.

Mr. S.S. Pakale, for Respondents Nos. 1 to 5.

Mr. M.A. Solkar, for Respondents Nos. 6 and 10.

Mr. A.H. Palekar, for Respondents Nos. 25 and 26.

...

CORAM : A.M.KHANWILKAR,J.

3rd September 2004

P.C.:

. Preliminary objection is raised on behalf of the Respondents that the main writ petition is finally disposed of. It is contended that if the grievance of the Petitioners is about the correctness of the order passed by the Inspector

of the office of the Charity Commissioner, appointed by the Assistant Charity Commissioner, the appropriate remedy is to question that decision by substantive proceedings and not by way of civil application in a disposed of writ petition. To over come this objection, Mr. Solkar, for the applicants, contends that the grievance of the applicants is about the inappropriate understanding and misapplication of the directions given by this Court in the disposed of writ petition. Even so, to my mind, there is substance in the preliminary objection taken on behalf of the Respondents about the maintainability of the civil application. The appropriate course is to permit the applicants to withdraw this application with liberty to resort to such other substantive remedy as may be available and permissible by law. That be done within one week from today. In the meantime, the parties shall maintain status quo as of today. Civil Application disposed of accordingly.

. Parties to act on the authenticated copy of this order.

(A.M.KHANWILKAR,J.)